

REMARKS

Claims 64-95 have been canceled without prejudice or disclaimer. Claims 106-136 have been added and therefore are pending in the present application. Claims 106-136 are supported throughout the specification, including the original claims.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Rejections of Claims 64-70 and 72-95 under 35 U.S.C 112 (1st paragraph)

Claims 64-70 and 72-95 are rejected as failing to comply with the written description and enablement requirements. Specifically, the Office objected to the term "comprising".

Both rejections are respectfully traversed for the reasons of record.

Applicants also the Examiner's attention to the decision of U.S. Patent and Trademark Office, Board of Patent Appeals and Interferences in *Ex parte Anderson*, Appeal No. 2005-0908 in U.S. Application No. 09/261,329 in which the Board reversed the identical rejections raised in this application. Specifically, the Board decided that the transition term "comprising" in a variant claim complies with both the written description and enablement requirements.

For the foregoing reasons, Applicants submit that the claims overcome these rejections under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejections.

II. The Rejection of Claims 64 and 68 under 35 U.S.C. 102

Claims 64 and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Germann et al. (*Proc. Natl. Acad. Sci. USA* 83: 8854-8858 (1986)). This rejection is respectfully traversed.

Germann et al. disclose a wild-type laccase obtained from *Neurospora crassa*. Therefore, the laccase described in Germann et al. does not contain any mutations, including any of the substitutions recited in claims 64 and 68.

In particular, Germann et al. do not disclose laccase variants, as claimed herein. Moreover, Germann et al. do not disclose any laccase variants comprising a substitution selected from the group consisting of A108F, A108I, A108L, A108P, A108W, and A108Y.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claims 78, 80, 82, 84, 86 and 88 under 35 U.S.C. 102

Claims 78, 80, 82, 84, 86 and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez-Larrea et al. (*Mol. Gen. Genet.* 252: 539-551 (1996)). This rejection is respectfully traversed.

Fernandez-Larrea et al. disclose a wild-type laccase obtained from *Podospora anserina*. Therefore, the laccase described in Fernandez-Larrea et al. does not contain any mutations, including any of the substitutions recited in claims 78, 80, 82, 84, 86 and 88.

In particular, Fernandez-Larrea et al. do not disclose laccase variants, as claimed herein. Moreover, Fernandez-Larrea et al. do not disclose any laccase variants comprising a substitution at a position selected from the group consisting of 185, 187, 189, 191, 193, 234, 235, 236, 269, 293, and 294.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: October 3, 2008

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